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JAN 2 1986

BY N. PERNICANO, DEPUTY

7 Attorney for Plaintiff

8 SUPERIOR COURT OF THE STATE OF CALIFORNIA

9 COUNTY OF SAN DIEGO

10 PROTON CORPORATION, etc. ) CASE NO. 539923  
11 )  
12 Plaintiff ) MEMORANDUM OF POINTS AND  
13 vs. ) AUTHORITIES IN SUPPORT OF MOTION  
14 ) FOR AN ORDER TO AMEND NAME OF  
15 RDI VIDEO SYSTEMS, etc., )  
16 et al. )  
17 )  
18 Defendants )  
19 )

20 Plaintiff submits the following Memorandum of Points  
21 and Authorities in Support of its Motion for an Order to Amend  
22 the Name of the Individual Judgment Debtor.

23 INTRODUCTION

24 On August 23, 1985, this Court entered Judgment in  
25 Favor of Plaintiff and against an entity Defendant known as RDI  
26 VIDEO SYSTEMS, a California corporation and an individual Debtor  
27 known as RICHARD G. DYER aka RICK DYER, in the sum of \$21,953.51,  
28 After substantial investigation, Plaintiff has discovered that  
the individual Judgment Debtor's actual name is "Richard A. Dyer"  
and not Richard G. Dyer.

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1 POINTS AND AUTHORITIES

2 I

3 THE COURT MAY IN FURTHERANCE OF JUSTICE ALLOW  
4 A PARTY TO CORRECT A MISTAKE IN THE NAME OF  
5 A PARTY.

6 Pursuant to C.C.P. § 473, the court may in furtherance  
7 of justice allow a party to correct a mistake in the name of a  
8 party.

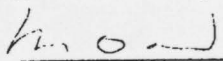
9 The court may at any time amend its judgment so that  
10 the latter will properly designate the real defendants. Mirabito  
11 v. San Francisco Dairy Co., 8 Cal.App.2d 54, 56 (1935); Thompson  
12 v. L.C. Roney & Co., 112 Cal.App.2d 420, 427 (1952).

13 It has long been recognized in California that upon  
14 a motion of a party or by the court a judgment may be amended  
15 to correct a misnomer. Dorland v. Dorland, 178 Cal.App.2d 664,  
16 670 (1960).

17 In the instant case, the Plaintiff believed the indi-  
18 vidual Judgment Debtor's name was Richard G. Dyer. Only after  
19 the judgment had been entered did Plaintiff learn that the  
20 actual name is Richard A. Dyer. Pursuant to C.C.P. § 473 and  
21 existing case law, the instant judgment should be amended to  
22 "properly designate" the Judgment Debtor.

23 CONCLUSION

24 Based on the foregoing, Plaintiff respectfully requests  
25 that the judgment entered on August 23, 1985, against Richard G.  
26 Dyer aka Rick Dyer be amended to properly designate the name of  
27 the individual Judgment Debtor to "Richard A. Dyer aka Rick Dyer".  
28 DATED: December 27, 1985

  
MILES D. GRANT  
Attorney for Plaintiff